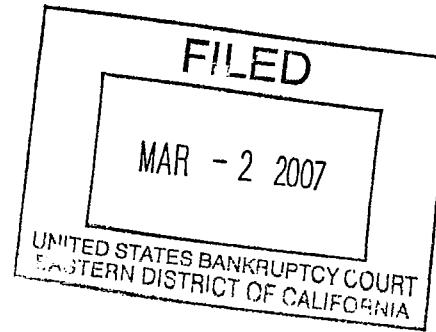


(4)



UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re) Case No. 06-24227-C-7
)
LOWELL RAY OKELLEY and) MC No. JHK-1
MARY ANN OKELLEY)
)
Debtors.)
-----)

FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON MOTION FOR RELIEF FROM AUTOMATIC STAY NOT INTENDED FOR
PUBLICATION

These findings of fact and conclusions of law, which
are not intended for publication, are rendered in this
contested matter pursuant to Federal Rule of Civil Procedure 52
as incorporated by Federal Rules of Bankruptcy Procedure 7052
and 9014.

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is
a core proceeding. 28 U.S.C. § 157(b)(2)(G).

(24)

Findings of Fact

Debtors filed their voluntary chapter 7 petition on October 17, 2006. They scheduled a 2004 Dodge Durango ("vehicle") as property of the estate. The first meeting of creditors was held on December 13, 2006. The chapter 7 trustee filed a report finding that there is property available for distribution from the estate over and above that exempted by the debtor. Debtors were discharged from all dischargeable debts on February 23, 2007.

On January 26, 2007, DaimlerChrysler Financial Services Americas, LLC ("movant") filed a motion, notice, and declaration requesting that this court vacate the automatic stay to permit movant to repossess the vehicle. The Kelley Blue Book value of the vehicle is approximately \$15,645.00. Movant holds a lien on the vehicle in the approximate amount of \$23,213.97. There is no evidence of any other liens against the vehicle.

No opposition to the motion was filed within the time prescribed by Local Bankruptcy Rule 9014-1(f)(1). The parties have consented to taking evidence by affidavit and have not demonstrated that there is any disputed material factual issue. See L. Bankr. R. 9014-1(f)(1). The evidentiary record is closed. Id.

Upon review of the record, the court determined that the written record was adequate and that no oral argument is necessary.

1 Conclusions of Law

2 The automatic stay of acts against debtor in personam
3 expires when the debtor is granted a discharge. 11 U.S.C.
4 § 362(c)(2)(C). Acts against property of the estate remain
5 stayed until the earliest of the time when the bankruptcy case
6 is closed, dismissed, or the property ceases to be property of
7 the estate. 11 U.S.C. § 362(c). The automatic stay may be
8 terminated earlier if debtor fails to protect the secured
9 party's interest adequately, § 362(d)(1), and, with respect to
10 a stay of an act against property, debtor does not have equity
11 in the property, § 362(d)(2)(A), and the property is not
12 necessary to an effective reorganization. 11 U.S.C. §
13 362(d)(2)(B). The issue of whether the property is necessary
14 to an effective reorganization is not considered in a chapter 7
15 case because no reorganization is contemplated in a chapter 7
16 case.

17 Although the debtors do not appear to have any equity in
18 the vehicle, since the debtors were granted a discharge, the
19 automatic stay has expired as to the debtors. Thus, the motion
20 insofar as it is directed at the interest of the debtors is
21 moot and will be denied.

22 However, the motion will be granted as to the interest
23 of the trustee.

24 An appropriate order will issue.

25 Dated: March 2 , 2007



26 UNITED STATES BANKRUPTCY JUDGE

1 CERTIFICATE OF SERVICE
2

3 On the date indicated below, I served a true and
4 correct copy(ies) of the attached document by placing said
5 copy(ies) in a postage paid envelope addressed to the person(s)
hereinafter listed and by depositing said envelope in the
United States mail or by placing said copy(ies) into an
interoffice delivery receptacle located in the Clerk's Office.

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16 United States Courthouse
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Sacramento, CA 95814

18
19 Dated: 3/5/07

20 
21 Deputy Clerk
22 BARBARA REYNOLDS
23
24
25
26
27
28